

94-102

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FCC Mail Room

November 28, 2001

Magalie R. Salas, Secretary
Office of the Secretary
Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

Attn: Thomas J. Sugrue, Bureau Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

Re: Glenn W. Ishihara ("NTCH")
Request for Temporary, Limited Waiver of E-911 Phase II deadlines

Dear Ms. Salas and Mr. Sugrue,

In accordance with the Commission's Fourth Report and Order, Docket No. 94-102, license holder Glenn W. Ishihara, on behalf of himself and the related entities (NTCH, Inc., NTCH - Colorado, Inc., NTCH - Idaho, Inc., NTCH - West Tenn, Inc., NTCH - East Tenn, Inc., NTCH - California, Inc., GLH Communications, Inc., and IAT Communications, Inc., collectively "NTCH"), hereby submits his request for a temporary, limited waiver of certain E-911 Phase II rules to permit NTCH to deploy hybrid E-911 Phase II solutions on a schedule that deviates from the schedule contained in the Commission's rules. NTCH does not seek relief from the December 31, 2005 requirement of 95 % penetration for handset-based solutions nor the 100 % penetration requirement for network-based solutions.

Specifically, NTCH seeks a temporary, limited waiver of the following Commission rules: (1) selected benchmark dates in Section 20.18(g)(1)(i)-(iii), governing the sale and activation of ALI-capable handsets; and (2) Section 20.18(g)(2), which establishes the E-911 Phase II network provisioning obligations associated with a hybrid solution. Again, NTCH does not seek relief from the December 31, 2005 requirement of 95% penetration for handset-based solutions nor the 100 % penetration requirement for network-based solutions.

As explained below, NTCH seeks a limited waiver because (a) its network vendors cannot provide E-911 Phase II equipment and software according to the existing Section 20.18(g)(2) schedule; (b) the costs of both network-based and handset-based solutions are prohibitively expensive for a carrier with only 5,700 subscribers; (c) the preferred ALI-capable handsets are not commercially available to a carrier with only 5,700 subscribers; (d) even an immediate contract with a service bureau will not enable NTCH to meet the Commission's benchmark deadlines; and (e) NTCH's request for a limited extension of time promotes safety

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and is in the public interest because NTCH's Phase II solutions will allow for the provision of more accurate information to PSAPs. Pursuant to 47 C.F.R. § 20.18(i), NTCH is concurrently filing an Update re Change in E-911 Phase II Plan with the Commission to provide an official record of NTCH's change from a hybrid Phase II plan to a handset-based Phase II plan.

NTCH is a small CDMA carrier with licensed spectrum for rural/underserved BTAS in four different states: Colorado, Idaho, Tennessee and California (some of these licenses have an assignment pending and grant from FCC is expected imminently). NTCH currently has only two operational networks: (1) in Colorado, consisting of approximately 5,000 subscribers (FRN No. 0003-7999-13), and (2) a newly launched network in Idaho with 700 subscribers to date. NTCH expects to launch operational telecommunications networks in Tennessee by December 2001. NTCH has not yet begun construction of its El Centro, California network. As of November 2001, there have been no requests by PSAPs for Phase II compliance in the above-mentioned BTAs.

NTCH's preferred hybrid solutions are not currently available because the preferred ALI-capable software and equipment are not commercially available at this time to a carrier with only 5,700 rural subscribers. While limited GPS-enabled handsets are currently available only to large carriers with exclusive vendor contracts, it is estimated that GPS-enabled handsets will not become commercially available to smaller carriers any earlier than June 2002. Moreover, NTCH's inquiries and negotiations to date have demonstrated that establishing its own network-based solution is prohibitively expensive for a small, rural carrier with only 5,700 subscribers. NTCH does not have the revenue to offset the dramatic costs associated with implementing its own network-based solution. NTCH has only two operational networks (Colorado, Idaho), with only 5,700 subscribers, and the market realities in those rural areas do not allow NTCH to raise its rates sufficiently to cover the substantial costs of a network-based solution. NTCH does not anticipate that its other rural networks, once operational, will allow NTCH to raise rates sufficiently to cover the substantial costs of a network-based solution.

NTCH has therefore contracted with a service bureau (Xypoint, see below) to implement handset-based Phase I and II solutions for NTCH's different networks. In Colorado, NTCH and its service bureau are already working with three PSAPs who recently submitted Phase I requests. NTCH has not received any Phase II requests from any PSAPs as of November 27, 2001. Nonetheless, NTCH's service bureau is currently negotiating with a third party vendor for PDE and other services necessary for implementation of Phase II.

In order to fully deploy its Phase II solutions, NTCH seeks a fifteen (15) month deferral of each of the penetration benchmarks in Section 20.18(g)(1)(i)-(iii) because it is estimated that GPS-enabled handsets will not be commercially available to NTCH any earlier than third quarter of 2002. NTCH does not, however, seek relief from the December 31, 2005 requirement of 95%



penetration for handset-based solutions. As a condition of any grant of the requested deferrals, NTCH is prepared to supply the Commission with completion updates.

NTCH's efforts to date with respect to Phase II compliance are detailed below.

Carrier/Contact Information

1. Carrier Identifying Information: Glenn W. Ishihara (license holder) and the related entities (NTCH, Inc., NTCH – Colorado, Inc., NTCH – Idaho, Inc., NTCH – West Tenn, Inc., NTCH – East Tenn, Inc., and NTCH – California, Inc.)
2. Contact information: NTCH, Inc.
Attn: Adilia Aguilar
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Hermosa Beach, CA 90254
(310) 798-7110 tel.
(877) 367-6824 fax

A. Network-Based and Hybrid E-911 Phase II Solutions

1. Vendor Contact: **Lucent Technologies, Whippany, NJ**
Cost Estimates: \$250,000 to \$500,000 per switch for necessary software and hardware (needed for either network-based or handset-based solutions)
Technology: NTCH uses Lucent switches in its networks. As a result, NTCH must purchase software and hardware from Lucent for each of NTCH's switches – irrespective of whether NTCH implements a network-based or handset-based solution.
Implementation: The necessary software will not be available from Lucent any earlier than November 2001.
2. Vendor Contact: **GTE TSI, Tampa, FL (a service bureau)**
Cost Estimates: Initial set-up fee of \$4,500 per PSAP for Phase I, plus an additional set-up fee of \$1,500 per PSAP for Phase II, plus a set-up fee of \$4,000 per PDE network hub, plus a set-up fee of \$20,000 per PDE interface, plus a recurring Phase II fee of \$0.10 per subscriber per month.



- Technology: TSI offers an open IN-based service bureau solution that meets Phase I requirements and provides a migration path towards meeting Phase II requirements.
- Implementation: TSI is currently working with switch vendors and PDE providers to be able to provide Phase II solutions. Phase II solutions will not be available until switch and PDE services have been finalized and implemented.
3. Vendor Contact: **Telecommunications Systems (dba Xypoint), Seattle, WA (a service bureau)**
- Cost Estimates: Recurring fee for Phase I and/or II is the greater of \$1,400 per PSAP per month or 17 cents per subscriber, plus set-up fee of \$3,000. Set-up fee and recurring costs for Phase II PDE are not yet available.
- Technology: Xypoint is a service bureau that works with third-party vendors to provide handset-based solutions. Xypoint anticipates being able to provide network-based solutions as well.
- Implementation: Xypoint does not currently provide PDE services, and is therefore unable to provide Phase II solutions. Xypoint is currently negotiating with a third-party vendor for the provision of PDE and other necessary Phase II services.
4. Vendor Contact: **Cell-Loc, Inc., Calgary, AB, Canada**
- Cost Estimates: Not provided.
- Technology: Cell-Loc offers a network-based solution located inside the base station for AMPS and CDMA only.
- Implementation: Cell-Loc's solution is reportedly available for immediate deployment, however, Cell-Loc has not provided cost estimates to NTCH as a small, rural carrier.

B. Handset-based E-911 Phase II Solutions

1. Vendor Contact: **Snap Track, Inc., Campbell, CA**
- Cost Estimates: Per Compaq Telecom, the minimum configuration for PDE alone is between \$2 and \$3 million. The minimum configuration for a turnkey solution is between \$3 and \$4 million.
- Technology: Snap Track's wireless GPS-assisted technology will use a GPS receiver in conjunction with technology installed at the network service control point to identify user location. Snap Track plans to offer a platform called "Compaq Discovery Location System" through Compaq Telecom (their exclusive distributor) as a turnkey

solution that combines everything a carrier needs to implement a handset-based E-911 solution. It is estimated that only a limited number of handsets will be made available during the next quarter, and that those handsets will generally be distributed to the largest customers.

Implementation: Trial of the product has not been completely successful due to the switch vendors not having the features required for Phase II.

2. Vendor Contact: **Harris Corporation, Melbourne, FL**

Cost Estimates: Pending Commission approval, Harris Corp.'s product will not be available until 2002. Harris Corp. expects the cost of its product to be "expensive" compared with other handset-based solutions.

Technology: Pending Commission approval of its product, Harris Corp. will offer a one-chip tracking and location solution that will be offered within the battery packs of existing PCS phones. Product will not be available until 2002. According to the vendor, the product will be "expensive" relative to other handset-based solutions.

Implementation: The product has not yet been approved by the Commission and no product will be available until 2002.

C. Handsets

Vendor Contact: **Kyocera Wireless, San Diego, CA** (preferred vendor for NTCH)

Cost Estimates: Not yet determined.

Technology: GPS enabled handsets.

Implementation: Kyocera will not have any handsets available until approximately the third quarter of 2002.

Vendor Contact: **Samsung**

Cost Estimates: Not available (exclusive contract with Sprint).

Technology: GPS enabled handsets.

Implementation: Samsung has an exclusive contract with Sprint, and will reportedly have handsets available for Sprint by the end of 2001.

Vendor Contact: **Denso**

Cost Estimates: Not available (exclusive contract with Sprint).

Technology: GPS enabled handsets.

Implementation: Denso has an exclusive contract with Sprint, and will reportedly have handsets available for Sprint by the end of 2001.

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Mr. Ishihara and NTCH respectfully await the Commission's response to this request for a temporary, limited waiver of the E-911 Phase II implementation deadlines. Please contact Adilia Aguilar -- our CFO and internal compliance officer -- or me if you have any questions or require any additional information.

Respectfully Submitted,

Sean P. Farrell
General Counsel, NTCH, Inc.

Cc. Glenn W. Ishihara

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Attn: Thomas J. Sugrue, Bureau Chief
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445 12th Street SW
Washington, D.C. 20554

Re: Glenn W. Ishihara ("NTCH")
Update Re Adoption of Change in E-911 Phase II Plan [47 C.F.R. § 20.18(i)]

Dear Ms. Salas and Mr. Sugrue,

In accordance with 47 C.F.R. § 20.18(i), license holder Glenn W. Ishihara, on behalf of himself and the related entities NTCH, Inc., NTCH – Colorado, Inc., NTCH – Idaho, Inc., NTCH – West Tenn, Inc., NTCH – East Tenn, Inc., NTCH – California, Inc., GLH Communications, Inc., and IAT Communications, Inc. (collectively "NTCH"), hereby notifies and updates the Commission that NTCH has changed its E-911 Phase II plan from a hybrid solution to a handset-based solution. The reason for NTCH's change in its E-911 Phase II plan is that NTCH's investigation of available hybrid solutions has revealed that such solutions are not economically feasible (i.e., prohibitively expensive) for a small carrier with only 5,700 subscribers, whereas a handset-based solution is more economically feasible for a small carrier with only 5,700 subscribers. NTCH's Request for Temporary, Limited Waiver of E-911 Phase II Deadlines is being filed concurrently with the Commission, to allow NTCH to implement its handset-based plan as quickly as possible.

Mr. Ishihara and NTCH therefore respectfully notify the Commission that NTCH will implement a handset-based E-911 Phase II plan rather than a hybrid solution. Please contact Adilia Aguilar -- our CFO and internal compliance officer -- or me if you have any questions or require any additional information.

Respectfully Submitted,

Sean P. Farrell
General Counsel, NTCH, Inc.

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